



United States  
Department of  
Agriculture

Farmers  
Home  
Administration

Washington  
D.C.  
20250

FmHA AN No. 1956 (1955)

July 18, 1989

SUBJECT: Request of the Office of General Counsel for  
Alternative Legal Assistance Concerning  
Trespassers Occupying Farmer Programs  
Inventory Property and the Handling of Growing  
Crops on Newly Acquired Inventory Property

TO: State Directors

ATTN: Farmer Programs Chiefs

PURPOSE/INTENDED OUTCOME:

One purpose of this Administrative Notice (AN) is to emphasize the authorizations set forth in FmHA Instruction 1955-B, Section 1955.61. Another purpose is to emphasize that OGC's advice must be sought regarding the handling of growing crops on newly acquired inventory property. The intended outcome is to ensure that persons who illegally trespass on inventory property are evicted in a timely manner, and that crops growing on newly acquired property will be handled in the proper manner.

COMPARISON WITH PREVIOUS AN:

There has been no previous AN issued on this subject.

IMPLEMENTATION RESPONSIBILITIES:

FmHA Instruction 1955-B, Section 1955.61 authorizes the use of State Courts, local law enforcement agencies, and attorneys in certain instances to evict persons who illegally trespass on inventory property when the Office of the General Counsel (OGC) authorization is received and State Law permits.

You should immediately review your inventory portfolio and determine if there are any trespassers occupying or using any FmHA inventory property. OGC should be asked for

EXPIRATION DATE: June 30, 1990

Filing Instructions:  
Preceding FmHA  
Instruction 1955-B



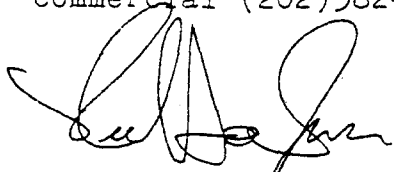
Farmers Home Administration is an Equal Opportunity Lender.  
Complaints of discrimination should be sent to:  
Secretary of Agriculture, Washington, D.C. 20250

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assistance in removing all trespassers identified. Under the circumstances specified in Section 1955.61, when State Law permits, a request to OGC for authorization to use State Courts, local law enforcement officials, and attorneys will be made, if OGC informs FmHA that it is unable to initiate legal action to evict the trespasser(s) within 60 days, or if trespassers cannot be evicted from the inventory property in a timely manner. You should request OGC's assistance in developing a State supplement to provide explicit instructions when this alternative means of eviction will be used.

It is also necessary that you contact your Regional Attorney to determine how to handle growing crops on newly acquired inventory property. In some cases, there may be an existing written or verbal lease on these crops. We are informed by our National OGC, that land acquired having growing crops, which are not under lease to a third party, are part of the real estate and title of such crops will transfer to FmHA with the real estate in most states. Because State Statutes may vary, your Regional Attorney should be requested to provide assistance in developing a state supplement, if it is determined that one is necessary.

If you have any questions, please contact James Root at commercial (202)382-1651 or FTS 382-1651.



NEAL SOX JOHNSON  
Acting Administrator

Sent by Electronic Mail on July 18, 1989  
at 2:22 pm by ASD. The State Director  
should advise other personnel as appropriate.